

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

July 6, 2009

There were no minutes for this date.

July 7, 2009

- C059099 THE PEOPLE v. (Not For Publication)**
JASON TAYLOR WATERWORTH
The judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Nicholson, J.
Hull, J.
- C058817 EPIDAUROS v. THE STATE OF (Not For Publication)**
CALIFORNIA ex rel.; CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATION
The judgment incorrectly upheld disallowance in two instances related
above and is modified to overturn those disallowances. ...
The parties shall bear their own costs of this appeal. ...
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Hull, J.
- C059760 J.C. PENNEY COMPANY et al. v. (Certified For Publication)**
WORKERS' COMPENSATION
APPEALS BOARD and EDWARDS
The decision and award of the WCAB is annulled and the matter
remanded for further proceedings to determine the amount of the credit to J.C.
Penney for overpayment of temporary disability indemnity in accord with the
views expressed in this opinion. The parties are to bear their own costs before
this court. (Cal. Rules of Court, rule 8.493 (a) (1) (B) .)
BUTZ, J.
We Concur: Nicholson, Acting P.J.
Hull, J.

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*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

July 8, 2009, Continued

C059445 BOTT v. BOTT (Not For Publication)
The order entered on April 29, 2008, denying the motion for relief from the default under Code of Civil Procedure section 473 is affirmed. Respondent Maya Bott shall recover her costs of this appeal.
(Cal. Rules of Court, rule 8.278 (a) (1), (2) .)
BUTZ, J.
I concur: Blease, J.
I dissent:
In my view, appellant's trial attorney, Jordan Morgenstern, adequately raised the mandatory relief provisions of Code of Civil Procedure section 473, subdivision (b) (hereafter § 473 (b)) ; thus, the trial court erred in denying relief from default.
...
Scotland, P.J.

C059868 THE PEOPLE v. OSCAR ARMANDO OCHOA (Certified For Publication)
THE COURT:
The opinion in the above-entitled matter filed on June 15, 2009, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports and it is so ordered.
BY THE COURT:
SCOTLAND, P.J.
Raye, J.
Butz, J.

July 9, 2009

C056328 THE PEOPLE v. (Not For Publication)
BRENT JEFFERY LAMBERT
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.

C057782 THE PEOPLE v. (Certified For Publication)
GARY WAYNE STUCKEY
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Nicholson, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

July 9, 2009, Continued

C060218 THE PEOPLE v. BETHANN COLYER (Not For Publication)

The judgment is modified to impose a \$40 court security fee. As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to delete the \$120 "CIF" fine. The court shall forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

HULL, J.

We Concur: Scotland, P.J.

Raye, J.

**C059140 In re JULIANNA B.; THE PEOPLE v. (Not For Publication)
JULIANNA B.**

The order is modified by striking the two conditions of probation requiring random searches and drug and alcohol testing. In all other respects, the order is affirmed.

BLEASE, Acting P.J.

We Concur: Hull, J.

Butz, J.

July 10, 2009

There were no minutes for this date.